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NEWS | HEALTH AND SAFETY

Sector welcomes scope to develop H&S codes

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The extractives sector has welcomed Workplace Relations and Safety Minister Brooke van Velden's move to give industry groups more scope to develop health and safety guidelines.

MinEx chief executive Wayne Scott says those groups know their sectors well - and the health and safety issues confronting workers and businesses.

"We can come up with practical solutions to managing risks in the extractives sector that are workable and achievable by all sized businesses in our sector," he says.

MinEx has already developed codes of practice for alluvial gold mining, worker health, and safe drilling and blasting, although none are approved by WorkSafe.

He says WorkSafe has issued good practice guidelines that could easily be converted into a code of practice.

Developing new codes will take some time and consultation, with the alluvial code taking 18 months to develop and publish.

Scott says WorkSafe needs to produce guidelines on the development and approval process for codes of practice.

Then MinEx can have discussions with the sector to determine which codes would be most beneficial.

Less regulation

Van Velden wants to see greater use made of approved codes of practice, and less reliance on regulation, to set safety standards for workplaces.

She says the current requirement in the Health and Safety at Work Act 2015, that firms do everything "reasonably practicable" to keep staff safe, has proven too vague.

She wants compliance with an approved industry code of practice to be sufficient evidence that firms have met their health and safety duties.

"In the absence of clear regulations and guidance, an entire health and safety industry has developed, which comes at a cost to businesses, consumers and taxpayers," she said in a statement last week.

"You should not have to hire a health and safety consultant just to understand whether or not you are compliant with the law."

Other changes

The change is one of a handful of proposed legislative changes van Velden announced last week, including carving-out small, low-risk businesses from the regime so they only have to manage critical risks.

She also plans to clarify the liability of directors for health and safety relative to day-to-day managers and limit the liability of landowners for potential harms from recreational activities on their properties.

The changes are to be implemented in early 2026 through legislation to be introduced to Parliament before the end of the year.

They follow an economy-wide, 10-year review of the workings of the HSWA last year.

At the time, the Government said the first phase of the reform was to sharpen the purpose of the legislation to focus on critical risks and to clarify its boundaries.

The second was to make legislative and operational improvements to increase certainty for businesses and to improve public confidence in WorkSafe.

The third phase envisaged a package of regulatory relief to address specific pain points for different sectors.

Use

Van Velden says individuals and industry groups will be given the power to initiate work on approved codes of practice "to speed things up and ensure they reflect what will work in practice and what makes sense for those who deal with these risks every day."

WorkSafe will no longer lead that work exclusively.

Van Velden believes the approved codes will be more useful than regulations, which she says can be overly-complex, can quickly become out of date due to rapidly changing technology and work practices, and are often difficult to change.

"They will likely be a useful tool for supporting innovation by responding to new and emerging industries where certainty about the risks would not yet warrant regulations."